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SUBJECT: MEDIA LAW REJECTION PROVOKES INTERNATIONAL'S
REACTION

Classified By: Acting DCM Bruce Rogers for reasons 1.4 (B) and (D)

11. (SBU) Summary: President Karzai's surprise December 26 decision to return the media law bill to Parliament's Lower House for further consideration has provoked a sharp reaction from civil liberties monitors at several missions here. They interpret Karzai's action as a challenge to media freedom in Afghanistan. The president's motives are unclear.

Internationals React Sharply

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12. (C) Western diplomatic missions' civil liberties monitors interpreted Karzai's December 26 decision to return the long-gestating media law bill to Parliament's Lower House for further consideration as a challenge to freedom of the press. Acting EU Mission Deputy Barbara Stapleton described Karzai's stated objections to the bill as "utter rubbish". Canadian and British embassy colleagues described the bill's rejection as a "step backwards," away from legal protections for journalists, academics and NGO publishers. They fear Karzai's action presents Parliament's religious conservatives with an opportunity to legislate clerical and governmental controls over NGO publications, private media companies and content. Our international colleagues plan to register their concerns with the Palace and Parliament. They are inclined to do so jointly and may seek our support.

Afghan Reaction

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13. (C) Mujahid Kakar, manager of independent Tolo TV speculated that Karzai may have felt threatened by the bill's granting independence to state-run Radio Television Afghanistan(RTA). He criticized the president's decision as an effort to exert government control over journalists. Kakar said the bill would have provided important protections for his staff. Kakar and several of his reporters have been detained by police authorities over reports perceived as critical of the government. Foreign Ministry Communication Advisor Sultan Ahmad Baheen believes Karzai acted in response to pressure from the Ministry of Information and Culture, which wants to retain control over RTA. Baheen claimed Minister of Information Abdul Khoram also opposed the law because it would have permitted the entry into Afghanistan of foreign-funded media outlets, which would be strong competitors to RTA. A few pro-government newspapers claimed

Karzai wanted to head off Pakistani and Iranian bids for Afghan media companies.

Why?

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¶4. (C) Presidential Spokesman Houmayoun Hamidzada told us the president believed the bill contained inconsistencies with the Afghan constitution, which have to be addressed by Parliament to foreclose legal challenges. Hamidzada asserted that the constitution describes RTA as a government entity, a status that can only be changed by constitutional amendment. Parliamentary spokesman Mohammad Asif Nang echoed this argument and noted apparently minor inconsistencies between the bill's Pashto and Dari versions. Ministry of Information Spokesman Hamid Nasser Wardak told us his Minister had "serious problems" with the bill's Articles 6 and 7, which afford legal protection for journalists. Wardak claimed these protections would obstruct police investigators, who might require access to journalists' sources.

¶5. (C) Comment: Though the media law bill was far from perfect, it did offer valuable protections to journalists, academics and the media. Its shepherding through parliament had been marked by a difficult series of defensive actions most often fought against religious conservatives. While we will continue to probe Palace contacts to determine Karzai's motivations, we will shift our focus to Parliament and individual MPs to ensure that their reworked bill does not depart substantially from international media standards.

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